

Remarks

In response to the Office Action dated April 19, 2007, Applicant respectfully requests reconsideration based on the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Interview Summary

A telephone interview was conducted on June 18 between Examiner Araque and Applicant's representative, Arno Naeckel. During the interview it was discussed that the Ross reference described a process that was directly opposite of the process that Ross was asserted by the Office Action to describe. The Examiner concurred with the Applicant's observation and indicated that the claims would probably be allowable over the combination of Voss and Ross and that the claims would be reconsidered upon receipt of written arguments.

103 Rejections

Claims 2-20 stand rejected under 35 USC §103 as being unpatentable over Voss (US Pat. 5,758,341) in view of Ross (US Pat. App. 20010042080). Applicants respectfully traverse the rejections to the extent they apply to the currently pending claims.

Independent claim 2, recites in pertinent part

“[a] method for automating error processing and correction in legacy usage and billing systems comprising ...receiving a plurality of defective billing records containing raw usage data sent from a plurality of client computer sites, each having legacy usage and billing systems, at a centralized server site, the centralized server site including a master database... sending a warning when a defective billing record is encountered by the one or more error processing rules that has an undefined error code; and sending corrected billing records from the centralized server to the client computer sites that sent the defective billing records for further processing.”

The Office Action rejects Independent claim 2 asserting that Voss describes most of the claim elements. However, the Office Action concedes that Voss fails to describe “receiving a plurality of defective billing records containing raw usage data from one or more billing systems of client computer sites to one or more master databases of a centralized server site” and also fails to describe “sending corrected billing records from the centralized server to the client computer sites that sent the defective billing records for further processing”. The Applicant concurs with

the Examiner's observations. The Office Action continues by asserting that Ross cures these conceded deficiencies of Voss.

However, the Applicant respectfully asserts that both Voss and Ross also fail to describe the subject matter asserted to each of them by the Office Action and as such the combination of Voss and Ross fails to describe each and every claim element. For example, the Office Action cites Column 5, l. 49-58 and Column 7; l. 31-35 as support for its assertion that Voss describes "sending a warning when a defective billing record is encountered by the one or more error processing rules that has an *undefined* error code". However, Applicant respectfully points out that Column 5 merely describes that if the expected screen is not received or the expected action is not performed fully, Voss is designed to stop, call an operator or print a report. The occurrence, or partial occurrence, of a *defined* error event is not the same as an *undefined* error being encountered by one or more sets of error processing rules. In Voss, an expected output occurs in reaction to a defined (i.e. anticipated) error. In the claim, an undefined error is encountered. The two situations are therefore different.

Similarly, the citation in Column 7 merely describes that if the connection between a mainframe and a terminal emulator returns a *defined but unsatisfactory code*, an error routine is conducted and the processing session is terminated. This citation is not describing one or more error processing rules encountering an *undefined error code*.

Further, Ross fails to describe receiving a plurality of defective billing records containing raw usage data sent *from a plurality of client computer sites...at a centralized server site*, the centralized server site including a master database and *sending corrected billing records from the centralized server to the client computer sites* that sent the defective billing records for further processing. Ross is concerned with just the opposite scenario. Ross is concerned with providing a remote client with centralized patient information such that more accurate billing codes may be determined by the remote client user¹. (Paragraphs 0070-0073). Subsequently, those more accurate (i.e. corrected) records are returned to the central database. Because Ross describes the opposite process, Ross fails to cure the conceded deficiencies of Voss.

Further, because Ross describes a process that is opposite from that recited in the claim, there would not be a reasonable chance of success of developing the claimed subject matter by modifying Voss by Ross. MPEP 2143.01. Therefore, because Ross teaches away from form the claim recitations, there would be no motivation to combine Voss and Ross. MPEP 2145 (D)(2).

¹ It should be noted that in paragraph [0070] Ross explains that the "system" is the remote client as "The system is in communication with a network server and database containing previously entered information about patients". Therefore the "system" is a remote client and not the central database.

As discussed above, because neither Voss nor Ross describes the subject matter asserted to it by the Office Action, the combination of Voss and Ross fails to describe each and every claim element. Further, Ross teaches away from the claim elements. As such, independent claim 2 is allowable over the combination of Voss and Ross for at least these reasons. Independent claims 8 and 14 recite similar subject matter and are therefore allowable for at least the same reasons. Claims 3-7, 9-13 and 15-20 depend from an allowable independent claim 2, 8 or 14 and are allowable for at least the same reasons.

Conclusion

Applicants assert that the application including claims 2-20 is in condition for allowance. Applicants respectfully request reconsideration and further examination in view of the remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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